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16 *and Taylor*

17  
18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20  
21 OAKLAND DIVISION

22  
23  
24 **C. JAY SMITH, et al.,**

4:20-cv-04335-HSG

25 Plaintiff,

26 v.

27  
28 **JOINT STIPULATION AND ORDER TO**  
**EXTEND DEADLINE FOR**  
**DEFENDANTS TO RESPOND TO**  
**PLAINTIFF'S COMPLAINT**

29  
30 **R. DIAZ, et al.,**

31 Judge: Hon. Haywood S. Gilliam, Jr.  
32 Trial Date: None set  
33 Action Filed: June 29, 2020

34 Defendants.

35  
36 Under Local Rule 6-2, Plaintiff C. Jay Smith and Defendants Bloise, Davis, Diaz, Duke,  
37 Feston, Franco, Haub, and Taylor (collectively "the Parties"), by and through their undersigned  
38 counsel stipulate and agree as follows:

39 On March 16, 2021, Defendants requested a first extension of time to respond to  
40 Plaintiff's complaint. This request was based on Defendants' counsel's workload, the need to  
41 resolve service issues, and to determine whether the Attorney General's Office would represent  
42 the Defendants. However, prior to the deadline to respond to the Complaint, Defendants'  
43 counsel determined that the Complaint had not yet been screened and requested screening.

1 The Court granted the request for screening, and ordered Defendants to file a response within  
 2 21 days, or by June 11, 2021.

3 Since that time, Defendants' counsel has reviewed the Complaint and determined that  
 4 there are grounds for a motion to dismiss. On June 9, 2021, Defendants' counsel contacted  
 5 Plaintiff's counsel by email to provide some of the proposed grounds for a motion to dismiss  
 6 and, to schedule a meet-and-confer to discuss the Complaint and grounds for a motion to  
 7 dismiss. That meet-and-confer is scheduled for June 14, 2021.

8 Upon completion of the meet-and-confer process, which the parties hope to complete by  
 9 June 18, 2021, the defendants anticipate they will need two weeks from June 18, 2021, up to  
 10 and including July 2, 2021 for either (1) Defendants' to prepare and file a responsive pleading  
 11 to Plaintiff's Complaint, or (2) for Plaintiff to file an Amended Complaint.

12 In view of these circumstances, the Parties believe good cause exists and so stipulate to a  
 13 twenty-one day extension of time, up to and including July 2, 2021, for Defendants to file a  
 14 responsive pleading or, in the alternative, for Plaintiff to file an Amended Complaint by this  
 15 date.

16 If Defendants file a motion to dismiss to the current operative complaint, the Parties  
 17 further stipulate that Plaintiff may have a reciprocal extension of time for her to file her  
 18 opposition to the motion. Absent good cause, Defendants will submit their reply brief seven  
 19 days after service of the opposition.

20 **IT IS SO STIPULATED.**

21  
 22 Dated: June 11, 2021

/s/ Janet N. Chen

Janet N. Chen  
 Deputy Attorney General  
*Attorney for Defendants*  
*Bloise, Davis, Diaz, Duke, Feston, Franco, Haub,*  
*and Taylor*

23  
 24  
 25 Dated: June 11, 2021

/s/ Jennifer Orthwein

Jennifer Orthwein  
 Medina Orthwein LLP  
*Attorney for Plaintiff Smith*

## FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I, Janet N. Chen, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty under the laws of the United States of America that the foregoing is true and correct. Executed this 11<sup>th</sup> day of June 2021, at Sacramento, California.

/s/ Janet N. Chen  
Janet N. Chen

## ORDER

**PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO**

**ORDERED THAT:**

The time for Defendants to file a responsive pleading to Plaintiff's Complaint is extended by twenty-one (21) days, up to and including, July 2, 2021.

In the alternative, Plaintiff may file an Amended Complaint, in which case Plaintiff will file the Amended Complaint by July 2, 2021. Upon the filing of an Amended Complaint, all prior dates will be vacated. This Court will screen Plaintiff's Amended Complaint and, upon recognition of cognizable claims, will issue a new Scheduling Order.

Dated: June 14, 2021

Haywood S. Gilliam, Jr.  
HAYWOOD S. GILLIAM, JR.  
UNITED STATES DISTRICT JUDGE

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